

## SPEECH

OF

HON. JAMES B. BOWLIN, OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES, MARCH 19, 1850,

*On the proposition to set apart and sell to ASA WHITNEY a portion of the public lands, to enable him to construct a Railroad to the Pacific Ocean.*

Mr. BOWLIN said that he designed to review this magnificent scheme; and as the subject of printing an extraordinary number of reports for general circulation, opened the whole question upon the merits of the proposition, he intended to avail himself of the occasion to express his views fully, freely, and fearlessly, upon the merits of the bill. He was not as well prepared as he could desire, as the time allowed between the introduction of this report, and this proposition to print, had been too short to afford an opportunity for that thorough investigation which the magnitude of the subject demanded. He had, however, read it carefully, closely, and frequently; and had drawn from their hiding-places many of its mighty powers for evil to the country, which he designed to expose; yet at every reading, new enormities had so developed themselves, as to convince him that he had not yet grasped it in all its magnitude. But, he said, he intended to read it more, study it closer, until he fully comprehended the whole mystery of the scheme, and on some appropriate occasion, would submit his views more at large. At present, however, he intended to review this extraordinary bill, develop some of its effects if not designs, expose the amount of lands it proposed virtually to give away, and the nature and character of the instructions behind which gentlemen pretend to shield themselves, for perpetrating this outrage upon the people's rights, by surrendering up an empire in extent of their rich domain. But before doing this, he proposed to notice the policy of this Government toward the States in which these public lands lie, that they might contrast its generosity toward States with the munificence of this bill.

When, (said Mr. B.,) a sovereign State of this Confederacy wanted a pittance of her own sacred soil, to aid in an improvement, she was turned away, or if listened to, must be satisfied with the depth of a single township, taken in alternate sections, with the price on the rest doubled, so as to make her own citizens pay for it in the end. This was the very liberal system of policy extended to sovereign States, who were supporting their governments, by taxing the lands in private possession, frequently not amounting to a third or a fourth of the whole territory, to improve and to enhance the value of the public domain. In Missouri, there were some thirteen millions of acres taxed, out of forty-three millions embraced within her limits, for the support of her government, while the balance, belonging to the United States, were exempted from taxation. And what was the case

in Missouri, was the same in almost every western State; and when they complained at the narrow and contracted policy of this Government toward the new States, they were reminded that it was a part of the original contract—that it was in the bond, and to employ any part of the public domain for the benefit of a State, was not in the bond. All this the citizens of the new States perfectly understood, and despite the hardness of the bargain, had kept it with a religious faith, hopefully looking forward to that period when their soil would be the property of their citizens, and contribute to the support of their governments—when, if the labor of their people by improvements enhanced the value of the soil, the benefits would result to themselves. That was the political millennium to which the people of the western States looked with the eye of hope, for a remedy against all the evils which they suffered under the present system.

But the evils are not so much in the system, as in the administration of it. Instead of this Government, which holds the vast domain of nearly all these States, adopting a liberal system of making the lands contribute to such improvements as give them an increased value, it remains quiet, holds on to its possessions, and avails itself of the advantages of such improvements as the people are compelled to make for convenience, or from absolute necessity. If one of the old States sees proper to make a road or improve a commercial thoroughfare, the enhanced value of the surrounding lands makes some return to the people, whose money is employed in the improvement. Not so with these States, where the public domain constitute two thirds or three fourths of the whole territory; they employ their means to enhance the value of lands paying no taxes, and the natural tendency of which is, to keep up the price against themselves, who are to become the future purchasers. Under these circumstances, when a sovereign and independent State, within whose dominion these lands lie, and whose people are taxed to protect them, and by whose labor value is given to them, asks for a portion of them to aid in an improvement, the response is, in the too common vernacular of this House, that it is a land-stealing scheme. It is rarely that such an application is granted, and when it is, it is always upon the condition of alternate sections, with the residue raised to double value upon the people, thereby remunerating the Government out of the pockets of the very people on whom they are pretending to bestow a gratuity; and he said he had seen State



after State voted down in that hall, who were asking lands to aid in improvements, even upon the terms of this unjust principle to their people. Alabama, Michigan, Missouri, and Illinois, had all shared that fate in the last Congress, upon bills modestly asking grants of six miles along the route, upon the alternate section-principle of raising the corresponding sections to double price. This is the policy toward the States within whose borders these lands lie. Let them present their claims for a twentieth part of that domain—the whole of which they ought to own, to enjoy equality under the Constitution—and it was smothered in committee, or openly crushed in the House. It was a western measure; it was a scheme to enhance the prosperity of a country, whose glories already excite a restless emulation, if not the baser passion of envy, but whose higher destiny was, to hold together this Union, by maintaining the principles of the Constitution in their democratic purity.

This was the policy pursued toward the States, and the people in the masses who occupied the lands, and improved and cultivated them. But let a speculator spring up, who only knows the existence of public domain, through the archives of the country, and project a scheme, as wild and fanciful as the day-dreams of the enthusiast, and *modestly* ask you to donate to him for a nominal sum, upon an eternal credit, seventy-eight millions of acres of the public domain, and the example was before them that he could command the report of a committee to present his scheme of individual speculation, and it only remained to be seen whether the people's money was to be employed to give extended and extraordinary circulation to his visionary schemes of wealth and aggrandizement. Or let a set of brokers, agents, and speculators congregate together, and devise a scheme to plunder the public domain, by throwing forth a land-scrip circulation, extensive enough to corrupt the morals and undermine the representative integrity of the nation, and its very magnificence was a passport to favor. Every gigantic scheme of private and personal speculation in the public lands, soon found advocates here, while the States that ought to own them, in fact, were generally thrust aside. Illinois, with her million of population, who, by their labor, have subdued the forests, and dotted the public domain with beautiful farms, yielding abundant harvests, and contributing her full quota to the national wealth and national revenues, comes and asks you, from your yet remaining abundance, to yield her a couple of millions of acres to aid her in her works, upon condition that you double the price upon an equal quantity to her people, and do you have pamphlets manufactured to vindicate her claims, and printed and distributed at public expense? No! and from the experience of the past you even refuse her the pittance of her own soil. Would the Committee on Printing tolerate such a proposition with even a respectful consideration? He solemnly believed they would not. He had himself seen her voted down in this hall. And what was said of Illinois, was equally true of the rest of the western States. The reason of this extraordinary distinction was obvious: the people of Illinois were, at home, contributing to the world's wealth by their honest labors; the speculators were here, consuming, not producing, and only laboring to infatuate members of Congress with

their visionary schemes to plunder the national coffers.

Sir, (said Mr. B.) it was one of the melancholy signs of the times, that the vast scheme of speculation, contained in this bill, had ceased to strike the minds of men with absolute horror—that they could here, in their places, calmly discuss a proposition of a character so monstrous. What does it propose, and in what manner does it propose to effect its ultimate purpose? It proposes to donate to Asa Whitney and his assigns, upon a nominal consideration, only sufficient to give it the character of a purchase, upon an almost unlimited credit, 121,800 square miles of the public domain—equal to 77,952,000 acres—for the purpose of making a railroad to the Pacific—that the railroad, when made, is to be the property of the grantee and his assigns, as also all the surplus lands above and beyond the amount required to make the road. In short, it requires Congress to furnish \$97,500,000 worth of the most valuable property, to make a road, estimated at a cost of less than \$50,000,000; then road, surplus lands, and everything, to belong to the grantee and his assigns forever. This was the plain, distinct, and unequivocal proposition contained in the bill, and he stated it distinctly, because he knew the public mind had been grossly abused in regard to what was Whitney's proposition. He had heard it said, and repeated a thousand times, by the friends of this monstrous grant, that Whitney was seeking nothing to himself but the imperishable fame of associating his name with the most magnificent work the world had yet beheld; and that when finished, everything employed in its construction, and the road itself, was to revert to the Government. This was the electioneering tale, to deceive and mislead the public, and had, to some extent, no doubt, done its work. But he was unwilling to be duped by such professions, and took the liberty to look into the bill—the very fountain of the powers of the grant—and he found it falsified in every clause. It not only took everything, roads, lands, money, and implements, to the grantee, but he intended to show, before he was done, that it took them in such a form as to render Congress powerless the moment the grant was made. The draughtsman of this bill understood his business, and knew how to manufacture vested rights and corporate powers, while seeming to eschew everything of the kind. It was due to the committee that reported it to say, that it was not drawn by them, and he was only astonished that its enormities had escaped their observation, or that the Democratic portion of the committee were not able to arrest its progress to this House.

Let gentlemen read the bill, and he invited them to it, and they would find that he had not stated its direct, legitimate effect, stronger than the provisions warranted. There were terms of forfeiture, it was true; but if they would investigate it, they would find that they were so framed that every exercise of the power worked a penalty on the Government, and not on the grantee and his assigns. This he would demonstrate when he came to review the bill by parts, and show its conflicts, its conditions, and deceptions. He had read it, and thought he began to understand it; and here he took his stand in resistance to it while he had power to resist. He found the necessity for this in the fact, that it had come from



a Democratic Committee—not, however, he was proud to assert, endorsed by them all; but it was enough for alarm, that it could meet with any favor from that quarter.

He proposed now to examine briefly a few of its extraordinary powers—and but a few, as time would not allow him to ferret out and expose all. And first, it authorized Whitney and his assigns to construct a rail road “from any point,” at his or their discretion, on lake Michigan or the Mississippi river, “to some point on the Pacific ocean, where a suitable harbor may be had”—or, in other words, to locate it, at his or their option, at any point from the head of the Mississippi to its mouth on the eastern line, and land it anywhere within the United States on the western line. It took a scope of about eighteen degrees of latitude on the eastern end, and about seventeen on the western end. Now, in all candor, it did seem to him this power of location was a most extraordinary latitude to give to one man, and those he might see proper to associate with him, when the road contemplated was to be a great national thoroughfare. It was a monstrous power to confer on one man, to hold in thralldom the commercial interests of every State in this Confederacy, until he should utter his fiat, and say where the blessings should fall. The interests of every State in the Confederacy were at once brought into requisition by this extraordinary power, and Mr. Whitney the umpire, to decide upon their fate. Were gentlemen prepared to put the free sovereign States, which they represented upon this floor, in that humiliating condition, subject to the power of one man? For one he was not; and much as he desired to see this great military and commercial thoroughfare established across the continent, the very thought should perish with him, before he would consent to see the State he had the honor in part to represent, bowing and cringing for favors, before this congressional umpire of her interests. Confer this vast and mighty power on one man, and you would then behold a spectacle, that would make the heart of the patriot sink within him. You would see States—free, sovereign, independent States—rivalling each other in sycophancy to your congressionally-created idol.

But (said Mr. B.) why is this power sought to hold in hope and expectancy every State of the Confederacy? The advocates of this gigantic scheme would tell you, simply to enable him to select the most practicable route. He would tell them, it was to hold the people and the States, through the strong tie of commercial interest, in vassalage to this newly-created power. But he could still find even a stronger motive, perhaps, in this extraordinary bill of counteracting principles. Connected with this almost unlimited power of location, was a power given in another part of the bill for a double purpose, allowing Whitney and his assigns to contract with the States through whose territory this road should go. It might be necessary to open a market where States might be rival bidders for this location. And were gentlemen here ready to put their respective States to the test of such a vile temptation? He humbly trusted not.

A second extraordinary power contained in this bill, was one already alluded to, and to be more fully noticed hereafter—that of contracting with States. If this power was sought with a view to

speculate upon the States in the location, it was an outrage; and if it was sought to maintain the corporate character of the grant, it was a gross fraud.

Another was, for Whitney and his assigns to hold the road in perpetuity, and collect tolls. This, they could not deny, were the terms of the bill; but they would reply, that Congress was to regulate these tolls, and keep them down to the absolute requirements of the road to keep it up. This he denied. The bill did make such a provision; but in its usual characteristics of duplicity, it afterward provides, that Whitney and assigns may make a second tract, and then the tolls are to be regulated so as “to reward or return” the costs, &c., of said tract—or, in other words, to be put up to an amount that would pay the interest forever upon the costs of this second tract. Thus the people furnish ample means to construct the road, and infinitely more than is necessary, and then pay tolls, not only sufficient to keep it in operation, but to absorb the interest of the amount expended for the second tract, forever; and Congress has power, a barren power, to regulate this, but only in that specified way.

Again: power is given to receive, hold, and transmit by assignment, nearly a hundred millions of dollars' worth of public lands at the minimum price, and only bound to divest themselves of all these lands within ten years after the road is finished, and these lands to be exempted from taxation until the patent issues—or, in other words, exempted while they remain in the hands of the company of Whitney and his assigns. There are provisions for selling these lands so long as they are needed for constructing the road, and in the end, the surplus to be turned over with the road to Whitney and his assigns. The details about the manner of selling these lands are very elaborate, and admirably calculated to cover up the appearances of a stock-jobbing concern; but in all these details, everything is to be done for Whitney and his assigns. Who are his assigns? Those who take an interest in the assignment of the stock; he creates upon this mighty fund of a hundred millions of dollars. The man who supposes Whitney is to await the slow process of this road, to realize his dreams of fortune out of it, judges but poorly of human motives from human action. The moment this bill passes, he has nominally nearly one hundred millions of land and road stock in the market—the land bound to make the road, but the road and land all belonging to him; and if he did not divide it out in stock, and sell it, and leave the purchasers to make the road, or hazard their venture, he (Mr. B.) would be most egregiously deceived. This course was the natural one to a speculator; and it was stamped too plainly upon every feature of that bill, to deceive the most credulous. Sir, (said Mr. B.) was Congress ready to engage in such a wholesale stock-jobbing concern upon the public domain? He trusted they were not, and never would be. Such an accumulation of such stock in the market, would be nearly sufficient to demoralize the nation. No man could anticipate the evils of such a measure, even if the work went on; but if the bubble should blow up, as all such bubbles usually do, distress and ruin would follow in its train.

Again, sir, (said Mr. B. :) he takes a guaranty in this bill from Congress, that upon admitting new States along the line of this road, the exemption



from taxation shall continue upon "the road, its machinery, and appurtenances." Now, sir, (said Mr. B.) the *appurtenances* was the land, and Congress virtually bound itself to admit no new State, without the guaranty not to tax this road in private hands—its machinery and *appurtenances*. This is a new article in the Constitution, to be legislated in for the benefit of this grand and magnificent scheme. He need not tell intelligent gentlemen around him, that Congress had no constitutional power to give such a guaranty, or, if they gave it, to execute it when given. This clause was too ridiculous for argument—its absurdities were beyond all power of illustration. They were too gross and palpable to be strengthened in their exposure by language.

Again: Congress debars itself from the power of repealing this wonderful act, except in a few specified cases of neglect or refusal to go on with the work, and then the repeal vests in Whitney and his assigns the road, as far as it had gone; the implements, and the land proportioned to the length of the road made—and to that extent it was irrevocable forever. It was unnecessary for him (said Mr. B.) to point out the abuses that might, and naturally would, grow out of this provision, at this time, as he should recur to it again. He had only recurred to it in this place, as one of the extraordinary grants in this bill, by which Congress virtually gave away the public domain, to create a capital, in private hands, and then relinquished all power over the subject, by creating a *quasi* corporation out of the grantees. Here a question of constitutional power might well arise, as to how far Congress had the right to create such a legal body, and endow it with perpetuity.

Again: Congress reserves the power to amend this act, but, like everything else in the bill, to protect the Government and the people, it is immediately counteracted by another clause, which effectually destroys the power, unless sanctioned by Whitney and his assigns. The power to amend, is given upon the express condition that it is not to impair the rights and privileges of said Whitney and his assigns. Such a reservation, upon such a condition, is no reservation at all. Congress could amend, with the consent of the company, without it; and it cannot amend, without the consent of the company, with it. It is in character with the whole of the bill; everything is conceded from the rights of the people—nothing retained to them, though decorated in every section with language to deceive—Congress to "amend whenever the public interest may require;" but not so as "to impair the rights and privileges of said Whitney and his assigns." "Whenever the public interest may require," was a captivating phrase, but it had nothing to do with the matter, before the sentence was ended. This but presents an apt illustration of the whole bill; and if gentlemen will but study it, they will probe it out.

Congress binds itself to extinguish the Indian title to the lands, through which Mr. Whitney and his assigns may elect to go. Now this was a most extraordinary measure, by which the Government was put under the control of Whitney and his assigns; and what was more remarkable, this was the peculiar, and the only specific, section added by the committee. The bill was produced to hand, by those holding a beneficiary interest in it; but its original draughtsman had not the bold-

ness to ask Congress to bind itself to do that which might cost the blood and the treasure of the nation to execute, for the sole and exclusive benefit of Mr. Whitney and his assigns. This was a new clause, for which they were indebted to the committee. When he spoke of the committee, he meant the majority—not the Democratic minority, who would instinctively start at such projects.

But the true cause of this clause not being in the original bill was, in his opinion, that it was not wanted; and it was now only brought forward to mislead and deceive the judgment of the House and the country, with the belief that he and his assigns had an idea of going on with the road. Was any man, within the sound of his voice, gullible enough to suppose he had any idea of going on, out of the rich and partially settled lands, when he had framed in his bill a provision, that, by stopping the work, it operated as a cause of forfeiture for *that to come*, but vested in him everything, road, lands, implements, everything, in proportion to the distance gone? If there was, he pitied him. If their faith was founded in confidence in Whitney, did they not know that the *assigns* of the bill, but the stockholders in point of fact, who were to come in, would regulate this matter? They would decide whether they would go further than was profitable, or the act compelled them. They would soon teach Congress that they read from the bill, that every form of forfeiture, inured to the benefit of the delinquents, and they would be delinquents as a mere matter of speculation.

He had (said Mr. B.) thus endeavored to trace a few of the extraordinary powers and provisions in this bill, by way of illustrating to this House, the monstrous character of the scheme that they were called upon to endorse, and print for general circulation. The bill was not an original—it was already in print; and he had but little doubt that the report occupied the same position, and was but a reprint of that pamphlet, (holding up Whitney's pamphlet,) whose monstrous propositions they wanted endorsed by that House. He had had no opportunity to compare the report with the book in his hand, but he pledged the House he would do it when the report was printed, and let them know if they were the same.

But a still more objectionable feature in the character of this bill, was its *quasi* corporative tendency; and to this part of the subject he invited the attention of legal gentlemen. It seemed to be formed with a peculiar view to create new franchises, preserve vested rights, and with an end to that perpetuity which was the peculiar characteristic of a private corporation. He believed, under the general doctrines of incorporation, from the singular nature of its vast powers, that the courts would declare it a private sole corporation, and as such, place it beyond the reach of the Congress that created it, if its own special provisions had not already accomplished that object—at least there was great danger in it, and they could not be too cautious in creating such a vast monopoly of power. The bill itself, in its special provisions, as he had shown already, virtually stripped Congress of all power over its grantees; and corporate powers seemed to be scattered along through its sections, as if to make assurance doubly sure against troublesome interferences by Congress. This was wisely done, for it required no prophet



to foretell its fate before an indignant people, if Congress had ever endowed such a monster with legal forms, and attempted to have imposed it upon the public. That was foreseen, and hence the marked effort throughout the whole bill, to invest Mr. Whitney and his assigns with a kind of perpetuity and identity, as a legal person under this act, with power to construct a road, collect tolls, and hold and transfer land, to an almost unlimited extent.

Now he proposed to notice a few of the characteristics of corporations, and apply to them some of the principles of this bill, and see whether there was not great danger in trusting the court to say whether it did not give such powers as belonged alone to corporations, and thereby declare it an act of incorporation, with vested rights, and beyond the reach of the power that created it. "A corporation was an artificial being, existing only in contemplation of law, with such properties as the charter of its creation conferred upon it, either expressly or as incidental to its very existence." Again, it was defined to be a franchise, and "franchises were special privileges conferred by Government on individuals, and which do not belong to the citizens of the country generally by common right;" and under our form of Government, franchises can only be derived from the Government by authority of law. "The immortality of a corporation means only its capacity to take in perpetual succession, so long as the corporation exists," which may be for a term of years, or in perpetuity—depending upon the act of its creation. "No precise form of words were necessary in the creation of a corporation," it depending for its existence, in its corporate capacity, upon the nature and character of the powers conferred. It was entirely unnecessary to employ the ordinary terms of creating a corporation; if the powers were substantially given, the courts would declare its character, and protect the possessors in the enjoyment of the rights conferred. Private and sole corporations are adjudged irrepealable, because they are special privileges conferred upon individuals by law, and become vested rights, which the courts say the legislative authority cannot impair or destroy; hence the great danger of this special-privilege species of legislation.

Now, (said Mr. B.,) let us apply some of the powers of this bill to the legal principles here laid down, and see whether there is not enough to warrant the courts in adjudicating it a corporation. In the first place, Whitney and his assigns are authorized to construct a road, and hold the same in perpetuity, and collect tolls. This was a naked power, and meant something more than that Whitney was to hold this road as an individual, subject to all the vicissitudes of an individual estate. It certainly did not contemplate, that upon his demise it was to be sold as ordinary assets for distribution. It is to be a perpetuity, in Whitney and his assigns. Who are his assigns? his successors, who become such by purchasing the stock in this enterprise, and hold and transmit in succession, and continue the ideal legal person for generations to come. This was the only construction it would bear, consistent with the idea of its perpetuity. Then this presented an essential ingredient of a corporation, in this, that he and his associates held their rights in the road in pre-

petual succession. This grant of power meant this, or it meant nothing. The assigns were the associates, hereafter to be created as such, through the means of turning this vast amount of capital into stock, and selling it out, and assigning it to those who were to become his successors; and, like the grant of power, to live forever. He could create his associates at his own convenience. A grant of corporate powers to an individual and his associates, vests at once in the individual; and he can create his associates at his will, and change thereby the character virtually from a sole, to an aggregate, corporation. The use of the word assigns, instead of successors, was at best but a blind; the courts would say, that the assigns of the stock certificates of Asa Whitney were the legitimate successors, to the extent of their stock, to all the grant of power and special privileges contained in the bill.

Again: Mr. Whitney and his assigns take a power in this bill to contract with the States through which the road shall pass. If Mr. Whitney here is to be considered in his individual, and not in his corporate, capacity, it is an absolute abridgement of his natural personal rights. As an individual, Mr. Whitney can contract with a State, and with any State, without the slightest limitation or restriction upon his right; and it would be a most illogical conclusion to suppose, in a bill got up by himself, that he was asking Congress to abridge a personal right, which belonged to him as a man and as a citizen. Then, what does this clause, giving him and his assigns right to contract with States, mean, unless it was treating him and his associates as an artificial person or corporation, upon whom the legislative authority could alone confer such a power? To say, by law, that Asa Whitney and his assigns, as individual persons, might contract with States, was sheer nonsense; but to say, by law, that Asa Whitney and his assigns, as corporators, should have authority to contract with States, was sound sense, and conferred a power in that capacity which they could never enjoy without authority of law. No court would ever be guilty of so violent a presumption against the words and whole tenor of an act of Congress, as to decide that the grant of such a power was in any other than in a corporate capacity, because the power, if to the person, was an abridgement of rights already enjoyed. Suppose a court sitting in judgment upon the question, whether this was a corporate power or not, and what would likely be the course of argument and decision? The court would tell you, in the first place, that in construing a statute, that it must be so done as to give effect to its provisions and the clear intent and meaning of it—that they would never infer, that the legislative authority was ignorant of the subject upon which they were acting; and as this clause gave powers which applied to Mr. Whitney and associates, in their individual capacities, was a nullity in itself, and presupposed gross ignorance in the legislature, it could not receive that construction. But, as it was entirely consistent with the idea of giving force to the clause, and making it efficient for the purposes declared, and maintaining the legislative wisdom, they must take the power in that capacity in which alone it could be enjoyed, and hold it as corporators. Indeed, courts have set up corporate authorities, and maintained corporate powers, upon much



slighter grounds than those contained in this single clause. "Where it was evident from several local acts of Parliament, that conservators of a river navigation were to take and transmit lands in succession, although they were not created a corporation by express words, they were considered, from the possession of that incident, to be incorporated by implication, and sued and collected tolls in their corporate name."

The incident that fixed the corporate character in the above case, from the books, was infinitely less important than the grant of this power, which can only obtain force and effect by being confined to a corporation.

Again: the irrevocable character of the act, and the recognition of rights and privileges in Whitney and his assigns, which Congress denies itself—the right to impair by any future amendment—all go to demonstrate the design to procure a charter (without seeming to do so) which will enable Mr. Whitney and his assigns to laugh to scorn the powers of Congress, as soon as this act shall have passed. Give him this act, and he would laugh at your folly, and tell you he had nothing more to do with you; his business in the future was with the courts; they would protect his rights and privileges under your act.

But, sir, (said Mr. B.,) upon the passage of this act, and the creation of a hundred millions of dollars of stock, founded upon a broad belt of country, through the very heart of the Republic, where is it to go, and who are to be the owners and proprietors? This stock would go where money was most abundant and cheap, as naturally as water finds its level; and where was that? Did gentlemen need to be told. It was amongst the great capitalists of Europe, and when they owned the stock, they owned the land, the road, and every incident connected with it. This presented a beautiful spectacle for statesmen and patriots—the bankers of Europe holding a belt of land sixty miles wide, and upward of two thousand miles long, through the very heart of the Republic, with the privilege of making and controlling a great commercial highway over the Continent, and that forever. Were gentlemen prepared for such a condition of things? He trusted no Democrat was; and he would here recur to a scrap of history, to which he invited the attention particularly of his Democratic friends.

Here Mr. ROBINSON rose to a point of order. He desired to be informed whether, on a question as to printing, it was in order to discuss, at large, the merits of the bill.

The SPEAKER decided, that in conformity with previous decisions of the Chair, sustained by the House, the discussion was in order.

Mr. BOWLIN resumed his remarks. He said he felt no surprise at the attempt made to arrest the course of his remarks. He had, however, made a commencement of his attack on the bill to-day, and he intended to pursue it so long as the measure should be before the House. But to his subject.

In that mighty struggle between the Bank of the United States and the Democracy of this country, with General Jackson as their glorious leader—a struggle which convulsed this nation, from centre to circumference—there was no fact more potent, none springing from a patriotic heart, found a more ready response in the patriotic affections of

the people, than the one that the stock of that institution was in the hands of foreign capitalists, who, by their agents in this country, ruled and governed the currency—the life-blood of trade. The fact was no sooner proclaimed by our gallant leader, and its blighting effects portrayed, than it was reëchoed from every hill and every valley in this wide-spread Republic. It was the point—the great point—that wounded our national pride, touched the public pulse, and thrilled through every fibre of the patriotic heart, demanding a release from such vassalage. From that moment, the battle was fought and won. The fate of that institution was sealed, and forever doomed.

But, sir, (said Mr. B.,) what was that bank, with all its mighty powers, compared with the propositions contained in this bill, to devote a body of land through the heart of this Republic, greater in amount than the British empire in Europe, with the great commercial thoroughfare of the nation, into a channel which must inevitably terminate in the hands of foreign capitalists, who are to own our soil, and regulate our internal trade? Blighting and demoralizing as was the influence of the bank, in the days of its prosperity, it was literally nothing compared to the magnitude and wicked tendency of this mighty scheme. In capital, it was only \$35,000,000, and under the control of some twenty-four persons, who might afford some check upon its operations. But here was a scheme, whose capital, to begin with, was some one hundred millions, and might be increased, by rise of lands and laying out towns, to hundreds of millions beyond even imaginary calculation; and all to be in the hands of one man, and such associates as he might take to his bosom, who would, of course, be those who were best able to pay money for his stock. The bank had a limited existence: this thing was to be rendered immortal. It was to be a thing of stocks in the market; and European capitalists and statesmen were not so dull as not to perceive at once the importance of getting so firm a hold of the land and commerce through the heart of this Republic. They would grasp it and wield it, not to the aggrandizement of our national character and national glory, but to gratify their own schemes of speculation, at the expense of our people. They would flatter themselves that they saw another East Indian empire, arising through the vista of time, upon the ruins of the Republic.

But he must pass, said (Mr. B.) to another subject, and that was, a short review of this most wonderful bill. In doing this, he should only touch at some points which had not been before noticed, or if noticed, only to illustrate some other position. What he designed now to review, very briefly, was the duplicity and contradictions that characterized the whole bill.

The first section gave the right of location anywhere, within eighteen degrees on the eastern line, and seventeen on the western.

The second section donates, for a nominal sum, on eternal credit, seventy-seven million nine hundred and fifty-two thousand acres of the public lands, along the route, or to be selected where they have already been taken up from other lands.

The third section reserves two hundred feet along the line of the road forever from sale.

The fourth section provides, that upon making ten miles of said road, half the lands along it, or the equivalent selected lands, are to be sold, and



the balance retained as security for making the road, where the lands were unavailable. Now all this looked very plausible in support of the idea that he was bound to complete the road, going as well through the unavailable as the available lands. But when you turn to section eighteen it will be found that Whitney, and his assigns, retain the right of forfeiting, from mere neglect of the work, the high privilege of going on with the work through the unavailable lands, and as a penalty, has lands, road, implements, everything thrown on his hands, proportionate to the distance gone; so that when the two sections of the bill are brought together, the restrictions and limitations of the fourth constituted a farce.

The fifth section provides for selling reserved lands, with the advice and consent of Whitney and his assigns, to make the road over the unavailable lands. This was to induce the idea, that a private company were going to make a road voluntarily where it was not profitable to go on, but very profitable to quit. Faith and confidence were glorious things sometimes.

The sixth section turns over all the lands remaining, when the road is finished, to Whitney and assigns; and the tenth turns over the road and machinery, so that Whitney & Co. wind up with all.

The eighth section allows Whitney & Co. to exact a dollar and a quarter per acre from the actual settler, for lands Government sells him at ten cents per acre: very just and liberal to the pioneer.

The eleventh section gives Congress the power to regulate the tolls, so as to support the road, and secure grantees a four thousand dollar annuity. But before the section closes, that little reservation to Congress was gone in this wise: Whitney & Co. allowed to make a second tract, and charge the expenses of that to the whole road, and then they regulate the tolls for indemnity.

By the twelfth section, Whitney & Co. are allowed to contract with the States through which the road passes. And when he charged this as one of the remarkable powers in this bill, the gentleman who reported it, (Mr. ROBINSON, from Indiana,) denied its existence, and had called upon him for the section. He had declined being interrupted in his argument at the time, but had

now come to it regularly, and as an issue of fact had been made upon its existence, he invited the attention of the House to its reading. Mr. B. read:

"Sec. 12. *And be it further enacted*, That the said Whitney and his assigns may, from time to time, enter into such contracts and arrangements with any State, through which said road may pass, or with any individual, company, or corporation, by and with the consent of said State, to build and operate said road, or any part thereof, through said State, or for any other matter or interest claimed under the rights and jurisdiction of any State through which said road may pass."

The House would perceive that the gentleman from Indiana [Mr. ROBINSON] had mistaken that branch of the bill when he interrupted him, and denied such a power was given.

The thirteenth section exempted the "road, machinery, and appurtenances," from taxation, and gives a guaranty, upon admitting new States, to make it a condition on them to exempt the same. This the gentleman from Indiana [Mr. ROBINSON] denied, by an interruption from his seat, and said the land was not exempted. Then he would ask the gentleman why "appurtenances" were put in the bill? The road and machinery are specifically exempted, and then appurtenances were added, and they were exempted. He would like the reporter of this bill to tell the House what it meant, if it did not mean the land.

The sections from thirteen to eighteen, are mere matters of detail, and the eighteenth section contains the key to the whole bill. Where any apparent power is reserved to the Government, and not immediately counteracted along through the bill, the eighteenth section comes in as a salvo, to heal all, and leave Congress with scarcely a shadow of reserved right. It was a beauty he had not time to comment on, and he recommended its reading to the House, as also the whole of the bill.

He should now pass to another subject, out of the bill, but one which had been as much used to abuse the public mind, as anything connected with this grand speculating scheme. He alluded to the pretended instructions from the States, under which gentlemen found a salvo to their consciences, in devoting untold millions of the people's property to private speculation. They were like the bill, they were full of deception, and he should now proceed to expose them.

[The hammer here fell, and cut off Mr. B.]



